

IN RE VIGIL, S.Ct. No. 26,328 (Filed June 13, 2000)

**IN THE MATTER OF BEATRICE R. VIGIL,
Probate Judge, Taos County, New Mexico.**

NO. 26,328

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

June 13, 2000, Filed

INQUIRY CONCERNING A JUDGE
NO. 99-04.

COUNSEL

Peg A. Holguin, Chief Counsel, Randall D. Roybal, Chief Staff Attorney, Albuquerque,
New Mexico, For Judicial Standards Commission

Hon. Beatrice R. Vigil, Taos, New Mexico

FORMAL REPRIMAND

Per Curiam.

This matter came before the Court upon recommendation of the Judicial Standards Commission to approve a plea and stipulation agreement entered into between the commission and Honorable Beatrice R. Vigil, in which she be formally reprimanded, be suspended for two weeks without pay, be placed on supervised probation for six months, be ordered to pay off her outstanding gross receipts tax liabilities to the State of Mexico and her outstanding photocopy bill liabilities to Taos County within six months, and be ordered to cease all use of the facilities or equipment of the Taos County Probate Court for her private business activities and/or other non-judicial use.

The commission issued a notice of preliminary investigation to respondent on November 8, 1999. Respondent failed to respond to the notice of preliminary investigation. After completing the preliminary investigation, the commission issued a notice of formal proceedings to respondent on March 6, 2000. On April 28, 2000, respondent and the commission entered into a plea and stipulation agreement in which respondent stipulated to the factual and legal conclusions, and agreed to receive discipline from this Court. On May 10, 2000, the commission filed a verified petition for discipline. The stipulated factual and legal conclusions are set forth below.

Respondent willfully failed to timely file gross receipts tax reports with and/or willfully failed to timely pay gross receipts taxes to the New Mexico Department of Taxation and Revenue in 1995, 1996, 1997, 1998, and 1999 for and concerning gross receipts from respondent's private business activities.

Respondent's conduct violates the following Canons of the Code of Judicial Conduct: 21-100 NMRA (1995), 21-200(A) NMRA (1995), 21-300(B)(2) NMRA (1995), and 21-500(A) NMRA (1995). Such conduct constitutes willful misconduct in office.

Respondent willfully failed to timely file personal income tax returns with the New Mexico Department of Taxation and Revenue in 1995, 1997, and 1998. Respondent willfully failed to timely pay the income tax due to the State of New Mexico for tax year 1997.

Respondent's conduct violates the following Canons of the Code of Judicial Conduct: 21-100 NMRA (1995), 21-200(A) NMRA (1995), 21-300(B)(2) NMRA (1995), and 21-500(A) NMRA (1995). Such conduct constitutes willful misconduct in office.

Respondent used the facilities and equipment of the Taos County Probate Court for respondent's private business activities and/or other non-judicial business.

Respondent's conduct violates the following Canons of the Code of Judicial Conduct: 21-100 NMRA (1995), 21-200(A) NMRA (1995), 21-300(B)(2) NMRA (1995), and 21-500(A) NMRA (1995). Such conduct constitutes willful misconduct in office.

Respondent willfully failed to timely pay Taos County for approximately \$1,155.95 of private business (non-judicial) copying charges incurred at the County Clerk's Office. Due to the length of non-payment and the amount past due, the Taos County Clerk terminated respondent's copying privileges in July 1997. The Clerk later agreed to set up a second copying account for respondent wherein respondent would pay off the original past due balance on the first account and would be responsible for paying off the balance in full each month on the second account. Respondent, however, failed to make payment on the original account until July 1, 1998. On July 1, 1998 respondent wrote a check for \$500.00 as a payment on the original outstanding balance, which check was returned for insufficient funds. About a month later, respondent provided the Taos County Treasurer's Office with a cashier's check in the amount of \$500.00. However, respondent willfully failed to pay on the account balance thereafter and approximately \$655.00 is still owed and past due on the original account. With respect to the second account (the account to be paid off monthly), respondent became late and willfully failed to pay on this account since December 1, 1999. Approximately \$55.95 is still owed and past due on this account.

Respondent's conduct violates the following Canons of the Code of Judicial Conduct: 21-100 NMRA (1995), 21-200(A) NMRA (1995), 21-300(B)(2) NMRA (1995), and 21-500(A) and (D)(1)(a) NMRA (1995). Such conduct constitutes willful misconduct in office.

Respondent failed to cooperate and comply with the rules, requirements, and procedures of the commission. Respondent failed to file a written response to the commission's notice of preliminary investigation that was issued to respondent on or about November 8, 1999. Respondent's response was due on or about November 24, 1999.

Respondent's conduct violates the following Canons of the Code of Judicial Conduct: 21-100 NMRA (1995), 21-200(A) NMRA (1995), 21-300(B)(2) NMRA (1995), and 21-900(B) NMRA (1995). Such conduct constitutes willful misconduct in office.

WE HEREBY FIND that the recommended disciplinary measures for respondent's violations of the Code of Judicial Conduct are appropriate. Respondent shall comply fully with the requirements of the discipline imposed and with the Code of Judicial Conduct.

NOW, THEREFORE, IT IS ORDERED that Honorable Beatrice R. Vigil is disciplined as follows:

1. Respondent shall be and is hereby formally reprimanded;
2. Respondent shall take leave of absence without pay for two weeks commencing with the pay period beginning June 24, 2000;
3. Respondent shall be placed on supervised probation for six months beginning upon her return to office after leave of absence without pay;
4. Respondent shall fully pay her outstanding gross receipts tax liabilities to the State of Mexico and her outstanding photocopy bill liabilities to Taos County on or before December 7, 2000;
5. Respondent shall cease all use of the facilities or equipment of the Taos County Probate Court for her private business activities and/or other non-judicial use; and
6. The commission shall bear its own costs incurred to date in this matter.

IT IS FURTHER ORDERED that the Honorable Peggy J. Nelson, Eighth Judicial District Court, is hereby appointed to supervise the respondent's probation, and shall monitor and report on the respondent's compliance with the terms of the Court's order.

IT IS FURTHER ORDERED that should respondent violate any provisions of the Code of Judicial Conduct during the probationary period, admissions in Judicial Standards Commission Inquiry No. 99-04 shall be used in all proceedings including, but not limited to, probation revocation proceedings, and formal proceedings against the respondent shall resume.

IT IS SO ORDERED.

Chief Justice Pamela B. Minzner

Justice Joseph F. Baca

Justice Gene E. Franchini

Justice Patricio M. Serna

Justice Petra Jimenez Maes